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MINISTRY OF COMMERCE AND INDUSTRY

TRADE AND MERCHANDISE MARKS

NOTIFICATION

New Delhi, the 28th February 1962

S.O. 598.—The following draft of a notification which the Central Government proposes to issue in exercise of the powers conferred by section 95 of the Trade and Merchandise Marks Act, 1958 (43 of 1958) and in supersession of the notification of the Government of India in the late Home Department (Judicial) No. 1474, dated the 13th November, 1891 and all other notifications issued on the subject is published for the information of all persons likely to be affected thereby; and notice is hereby given that the draft will be taken into consideration on or after the 31st March, 1962.

Any objection which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT NOTIFICATION

The Central Government issues the following instructions for the limits of variation in respect of trade descriptions of number, quantity, measure, gauge or weight which are to be recognised by criminal courts as permissible in the case of the goods specified hereunder, namely:—

I. A trade description of length stamped on grey, bleached, mercerised, or coloured cotton piecegoods:

- (i) in pieces stamped as of length 10 yds. (9·14 m.) and below, the stamped length shall not exceed the actual length by more than 1 per cent of the piece length or 3" (7·6 cm.), whichever is less; and
- (ii) in pieces stamped as of length above 10 yds. (9·14 m.), the stamped length shall not exceed the actual length by more than 0·6 per cent of the piece length or 3" (7·6 cm), whichever is higher;

Provided that the *average length* of the pieces in question shall not be less than the stamped length.

II. A trade description of width stamped on grey, bleached, mercerised or coloured cotton piecegoods:

- (i) in pieces stamped as of width 40" (101·6 cm) or below, the stamped width shall not exceed the actual width at any point by more than $\frac{1}{4}$ " (1·3 cm);
- (ii) in pieces stamped as of width over 40" (101·6 cm) upto 60" (152·4 cm), the stamped width shall not exceed the actual width at any point by more than 1·25 per cent of the stamped width of the piece;

(iii) in pieces stamped as of width 60" (152.4 cm) and above, the stamped width shall not exceed the actual width at any point by more than 1.25 per cent of the stamped width of the piece or 1" (2.5 cm), whichever is less:

Provided that the *average width* of the piece in question shall not be less than the stamped width.

III. A trade description of count or number, length or weight, applied to grey yarn or bleached and mercerised yarn or grey mercerised yarn, single or two-fold cotton yarn, other than that made wholly of waste:

- (i) the described count or number shall not be greater or less than the actual count or number by more than 5 per cent; provided the actual count or number is equivalent to the *average count or number* of the yarn in one bundle;
- (ii) in a bundle of grey yarn, or of bleached and mercerised yarn, or grey mercerised yarn, the length of any individual hank shall not be less than the actual length by more than 1.2 per cent;
- (iii) in the case of a bundle or yarn, the described or stamped weight shall not be more than the actual weight by more than 1 per cent.

IV. A trade description of count or number applied to a bundle of cotton yarn made wholly of waste, or dyed yarn, or folded yarn other than two-fold grey or bleached and mercerised yarn, shall be accepted as indicating length only, the hank being taken to measure 840 yards in the British Count System, and the length of any hank in a bundle shall not be less by more than 3.7 per cent.

V. A trade description of length or weight for cotton threads:

- (i) in units of 100 yards or less—
 - (a) the actual length or weight of any individual unit shall not be over 5 per cent below the declared length or weight of the units in the smallest packet or box, and
 - (b) the total actual length or weight of the units in the smallest packet or box shall not be over 2 per cent below the declared total length or weight;
- (ii) in units of more than 100 yards—
 - (a) the length or weight of any individual unit shall not be over 1.25 per cent below the declared length or weight of the unit in the smallest packet or box, and
 - (b) the total actual length or weight of the units in the smallest packet or box shall not be over 1 per cent below the declared total length or weight.

Note 1.—Two fold sewing or darning thread other than such thread in the shape of skeins and balls or on cords, reels and paper tubes shall be considered as yarn.

Note 2.—The dimensions of goods on which their length or width are stamped shall be determined by measurement in *standard yards* or standard metres and the weight of the goods shall be determined in standard lb. or standard kg.

[No. 7(3)-TMP/59.]

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